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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,452	07/06/2007	Craig Gregory Smith	FBRIC53.001APC	8047
20995 7590 03/23/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER CORUM, WILLIAM ALLEN				
ART UNIT 2433		PAPER NUMBER		
NOTIFICATION DATE 03/23/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/563,452

Applicant(s)

SMITH, CRAIG GREGORY

Examiner

WILLIAM CORUM

Art Unit

2433

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Objections

2. Claim 16 is objected to because of the following informalities: Examiner believes claim 16 should read 'The system according to claim 15...'. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-12, 14-22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney (US Pub. 20080117053 A1), and further in view of Grimes et al. (WO 03/046819 A1).
5. Regarding claim 1, Maloney discloses a computerized identity matching management method for regulating the issue of secure assets (**abstract, lines 1-2**), the method comprising: identifying an asset having a unique classification identifier (**para. 9, lines 5-10**); identifying an issuer of the asset (**para. 15, lines 1-21- the supervisor is analogous to an asset issuer since they are responsible for asset assignment- see para. 56**); and identifying a receiver of the asset (**para. 12, lines 1-3**), wherein identifying the issuer and identifying the receiver each comprise: a management computer (**Fig. 1, element 18; para. 36**).
6. But, Maloney is silent on utilizing a biometric capture process to capture a biometric of the issuer or receiver. However, Grimes discloses receiving a request to initiate the capture process from a capture apparatus waiting to commence a capture process of a biometric of the issuer or the receiver (**abstract- lines 4-6**); the management computer responding to the request by returning a message to the capture apparatus (**abstract- lines 6-8**), the message comprising a unique code (**abstract- lines 8-9**), wherein receipt of the message comprising the code at the capture apparatus causes initiation of the capture process (**abstract- lines 9-11**); the capture apparatus encoding a captured biometric of the issuer or of the receiver (**pg. 8,**

lines 15-16); the management computer, after returning the message, receiving the encoded captured biometric (**abstract- lines 12-14**); and the management computer decoding the captured biometric and initiating a matching process to find a match for the decoded captured biometric against stored records and generating an identification code representative of the issuer or of the receiver of the asset when a match is found (**abstract- lines 17-21**). Therefore, a person of ordinary skill in the art at the time of the invention would have found it obvious to use the biometric capture process of Grimes in the asset issuing process of Maloney in order to automate user identification with a minimum of user identification.

7. In addition, the combination of Maloney and Grimes discloses retrieving a privilege of the receiver to determine whether the privilege matches an asset classification identifier of the asset (**Maloney- para. 50- the user is analogous to the receiver**); and, if a match is determined issuing the asset (**Maloney- Fig. 5, then Fig.3- para. 50**), and recording information to form a use record relating to the issue of the asset. (**Maloney- para. 53- lines 1-4**).

8. Regarding claim 2, the combination of Maloney and Grimes discloses the process according to claim 1, wherein the management computer returning the message to the capture apparatus occurs at a first time, the management computer receiving the encoded captured biometric occurs at a second time, and the management computer operating to decode the encoded captured biometric and initiate the matching process only when the second time is less than a time interval later than the first time. (**Grimes- pg. 3, lines 10-14**).

9. Regarding claim 3, the combination of Maloney and Grimes discloses the process according to claim 1, further comprising generating an alert if the privilege does not match the asset classification. **(Maloney- para. 54- lines 11-14)**
10. Regarding claim 4, the combination of Maloney and Grimes discloses the process according to claim 1, wherein the assets comprises at least one of firearms, weapons, batons, pharmaceutical medications and products, narcotics, precious metals and legal documents **(Maloney- para. 8, lines 13-18).**
11. Regarding claim 5, the combination of Maloney and Grimes discloses the process according to claim 1, wherein the unique classification identifier is securely attached to, or imprinted directly onto or into, the asset. **(Maloney- para. 9, lines 4-15).**
12. Regarding claim 7, the combination of Maloney and Grimes discloses according to claim 1, wherein the unique classification identifier comprises a radio frequency identifier. **(Maloney- para. 9, lines 4-15).**
13. Regarding claims 8-12, 14, they correspond to and are substantially similar to claims 1-7 and thus corresponding rejections are incorporated herein. The only difference in claim 8 is that it is drawn to a method of returning the asset as opposed to the issuing of an asset, but utilizing essentially the same steps. Maloney also teaches the method of returning an asset where the user is first biometrically identified and then a determination is made whether the user has authorization over the asset. **(para. 41-47).** Therefore, the combination of Maloney and Grimes disclose the method as claimed in claims 8-12 & 14.

14. Regarding claims 15-17, 20-22, they are rejected as applied to claims 1-3, 7 because a corresponding system would have been necessitated to carry forth the method steps of claims 1-3 & 7. The applied prior art also discloses the corresponding architecture.

15. Regarding claims 18-19, the combination of Maloney and Grimes disclose the system according to claim 15, wherein the use record of each asset further includes the date and time that the asset was issued by the issuer and received by the receiver.

(Maloney- para. 47, logs of asset usage are used for maintenance schedules and as such would have the time information that the asset was used)

16. Regarding claim 24, the combination of Maloney and Grimes discloses an electronic message for transmission from a biometric capture apparatus to a computer during a computerized identity matching process for regulating the issue of an asset or the return of an asset, the electronic message comprising a captured image of a potential receiver of the asset or a potential returner of the asset, the captured image encoded with a unique code obtained from the computer. **(Grimes- pg. 8, lines 15-20)**

17. Claims 6 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney and Grimes as applied to claims 1 & 8 above, and further in view of Michael et al. (US Pub. 20030088442 A1).

18. Regarding claims 6, 13, 23 the rejections of claims 1 & 8 are incorporated herein. The combination of Maloney and Grimes is silent on utilizing a barcode as the unique identifier. However, using barcodes as an identifier is notoriously well known and used in the art as evidenced by Michael (**para. 23**) as a convenient way of uniquely identifying assets and therefore, one skilled in the art would have found it obvious to utilize it in the combination of Maloney and Grimes as a simple alternative to achieve a desirable effect.

19. Regarding claim 23, it is rejected as applied to claim 6 because a corresponding system would have been necessitated to carry forth the method steps of claim 6. The applied prior art also discloses the corresponding architecture.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM CORUM whose telephone number is (571)270-5195. The examiner can normally be reached on Monday through Friday 7:30 a.m. - 5:00 p.m., every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Bui can be reached on 571-272-7291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KIEU-OANH BUI/
Supervisory Patent Examiner, TC 2400

WILLIAM CORUM
Examiner, Art Unit 2433